

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ARCHITECTURAL IRON WORKERS')	
DEFINED CONTRIBUTION PENSION)	
FUND, et al.,)	Case No. 24 C 4750
)	
Plaintiffs,)	Judge Edmond E. Chang
)	
v.)	Magistrate Judge Maria Valdez
)	
DUPAGE OVERHEAD GARAGE DOORS, INC.,)	
)	
Defendant.)	

DEFENDANT'S ANSWER TO PLAINTIFFS' COMPLAINT

Defendant, DUPAGE OVERHEAD GARAGE DOORS, INC., by its attorneys, Todd A. Miller and Kathleen M. Cahill of Allocco, Miller & Cahill, P.C., answers Plaintiffs' Complaint as follows:

1. This action brings claims under Section 502 of the Employee Retirement Security Act of 1974, 29 U.S.C. §1132, 1145 ("ERISA"), and Section 301 of the National Labor Relations Act, 29 U.S.C. §185 ("NLRA"), as amended. This court, therefore, has jurisdiction under the jurisdictional provisions of those Acts, as well as federal question jurisdiction under 28 U.S.C. §1331.

ANSWER: Defendant admits the allegations in paragraph 1.

2. The Local 63 Funds are administered in Oak Brook, Illinois.

ANSWER: Defendant admits the allegations in paragraph 2.

3. Defendant resides in Homer Glen, Illinois.

ANSWER: Defendant admits the allegations in paragraph 3.

4. Venue, therefore, properly lies in the Northern District of Illinois under ERISA section 502(e)(2), 29 U.S.C. §1132(e)(2), as well as under 28 U.S. Code §1391(b)(1).

ANSWER: Defendant admits the allegations in paragraph 4.

5. The Plaintiffs are ERISA fringe benefit funds affiliated with Architectural & Ornamental Iron Workers Local Union #63 (“Local 63”), and have standing to sue pursuant to ERISA section 502(d)(1), 29 U.S.C. §1132(d)(1).

ANSWER: Defendant admits the allegations in paragraph 5.

6. Defendant is a contractor in an industry affecting commerce, specifically the installation, repair, and servicing of industrial, commercial, and residential metal doors.

ANSWER: Defendant admits the allegations in paragraph 6.

7. At all times pertinent, Defendant had a Collective Bargaining Agreement (“CBA”) with Local 63.

ANSWER: Defendant admits the allegations in paragraph 7.

8. The CBA required Defendant to report the hours worked by its bargaining unit employees, and contribute a contractually-set amount to the Plaintiff Funds for each hour worked by those employees, on a monthly basis.

ANSWER: Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8.

9. Though Defendant still appears to be in operation, it has submitted no contribution reports, nor made any contributions to the Plaintiff Funds from at least April 2023 through

February 2024.

ANSWER: Defendant denies the allegations in paragraph 9.

10. ERISA and the CBA require Defendant to submit to requests for contribution compliance audits by the Plaintiff Funds.

ANSWER: Defendant admits the allegations in paragraph 10.

Respectfully submitted,

**DUPAGE OVERHEAD GARAGE
DOORS, INC.,**

By: /s/ Todd A. Miller
One of Defendant's Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that he electronically filed the attached, *Defendant's Answer to Plaintiffs' Complaint*, with the Clerk of the Court using the CM/ECF system on this 3rd day of September 2024, which will send notice of such filings to the following:

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